

AN ACT

relating to the prosecution of certain offenses involving family violence and to the violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.371 to read as follows:

Art. 38.371. EVIDENCE IN PROSECUTIONS OF CERTAIN OFFENSES INVOLVING FAMILY VIOLENCE. (a) This article applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, that is committed under:

(1) Section 22.01 or 22.02, Penal Code, against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(2) Section 25.07 or 25.072, Penal Code, if the offense is based on a violation of an order or a condition of bond in a case involving family violence.

(b) In the prosecution of an offense described by Subsection (a), subject to the Texas Rules of Evidence or other applicable law, each party may offer testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the actor committed the offense described by

1 Subsection (a), including testimony or evidence regarding the
2 nature of the relationship between the actor and the alleged
3 victim.

4 (c) This article does not permit the presentation of
5 character evidence that would otherwise be inadmissible under the
6 Texas Rules of Evidence or other applicable law.

7 SECTION 2. Section 25.07(a), Penal Code, is amended to read
8 as follows:

9 (a) A person commits an offense if, in violation of a
10 condition of bond set in a family violence, sexual assault or abuse,
11 or stalking case and related to the safety of a victim or the safety
12 of the community, an order issued under Article 17.292, Code of
13 Criminal Procedure, an order issued under Section 6.504, Family
14 Code, Chapter 83, Family Code, if the temporary ex parte order has
15 been served on the person, or Chapter 85, Family Code, or an order
16 issued by another jurisdiction as provided by Chapter 88, Family
17 Code, the person knowingly or intentionally:

18 (1) commits family violence or an act in furtherance
19 of an offense under Section 22.011, 22.021, or 42.072;

20 (2) communicates:

21 (A) directly with a protected individual or a
22 member of the family or household in a threatening or harassing
23 manner;

24 (B) a threat through any person to a protected
25 individual or a member of the family or household; or

26 (C) in any manner with the protected individual
27 or a member of the family or household except through the person's

1 attorney or a person appointed by the court, if the violation is of
2 an order described by this subsection and the order prohibits any
3 communication with a protected individual or a member of the family
4 or household;

5 (3) goes to or near any of the following places as
6 specifically described in the order or condition of bond:

7 (A) the residence or place of employment or
8 business of a protected individual or a member of the family or
9 household; or

10 (B) any child care facility, residence, or school
11 where a child protected by the order or condition of bond normally
12 resides or attends;

13 (4) possesses a firearm; ~~or~~

14 (5) harms, threatens, or interferes with the care,
15 custody, or control of a pet, companion animal, or assistance
16 animal that is possessed by a person protected by the order; or

17 (6) removes, attempts to remove, or otherwise tampers
18 with the normal functioning of a global positioning monitoring
19 system.

20 SECTION 3. Section 25.07(b), Penal Code, is amended by
21 adding Subdivision (2-a) to read as follows:

22 (2-a) "Global positioning monitoring system" has the
23 meaning assigned by Article 17.49, Code of Criminal Procedure.

24 SECTION 4. (a) The change in law made by this Act in adding
25 Article 38.371, Code of Criminal Procedure, applies to the
26 admissibility of evidence in a criminal proceeding that commences
27 on or after the effective date of this Act. The admissibility of

1 evidence in a criminal proceeding that commences before the
2 effective date of this Act is governed by the law in effect on the
3 date the proceeding commenced, and the former law is continued in
4 effect for that purpose.

5 (b) The change in law made by this Act in amending Section
6 25.07, Penal Code, applies only to an offense committed on or after
7 the effective date of this Act. An offense committed before the
8 effective date of this Act is governed by the law in effect on the
9 date the offense was committed, and the former law is continued in
10 effect for that purpose. For purposes of this subsection, an
11 offense was committed before the effective date of this Act if any
12 element of the offense occurred before that date.

13 SECTION 5. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2645 was passed by the House on May 7, 2015, by the following vote: Yeas 140, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2645 on May 28, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2645 on May 31, 2015, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2645

I certify that H.B. No. 2645 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2645 on May 30, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor